



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE: California Environmental Protection Agency

A written comment period has been established commencing on **December 2, 2011** and closing on **January 16, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 16, 2012**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development, pursuant to the authority vested in it by section 87306 of the Government Code proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of Statewide Health Planning and Development (the Office) proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment makes a number of changes to the Designated Position list to reflect the current organizational structure of the Office and to reflect current staffing. It also changes the Disclosure Categories to make them clearer and more understandable, and more specific and appropriate to the current responsibilities of the various programs within the Office. While most disclosure categories are specifically related to programmatic functions, members of top management are involved in activities at the statewide policy level, and will continue to disclose broadly. The changes are generally intended to update and clarify the Code, rather than to change current levels of reporting.

The Designated Positions and Disclosure Categories are found in Appendix A of the current Code. Because of the quantity of the organizational changes that need to be reflected, the Office is proposing to repeal the text of Appendix A and adopt a new Appendix A. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than January 16, 2012, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than January 1, 2012, by contacting the Contact Person set forth below.

The Office of Statewide Health Planning and Development has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of Statewide Health Planning and Development must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Beth Herse, Senior Staff Counsel
Office of Statewide Health Planning
and Development
400 R Street, Suite 320
Sacramento, CA 95811
(916) 326-3610
beth.herse@oshpd.ca.gov

TITLE 2. STATE CONTROLLER'S OFFICE

NOTICE OF PROPOSED RULEMAKING

The State Controller proposes to adopt the proposed amendments described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The State Controller has not scheduled a public hearing on this proposed action. However, the State Controller will hold a hearing if a written request for a pub-

lic hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Controller's Office. Comments may also be submitted by facsimile at (916) 322-1220 or by email to dbrownfield@sco.ca.gov. The written comment period closes at 5:00 p.m. on January 16, 2012. The State Controller will only consider comments received at the State Controller's Office by that time. Submit comments to:

Dave Brownfield
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Code of Civil Procedure section 1580 authorizes the State Controller to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 1530 and 1532 of the Code of Civil Procedure.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Code of Civil Procedure sections 1530 and 1532 set forth requirements for reporting and remitting unclaimed property. California Code of Regulations, title 2, sections 1155.250 and 1155.350 set forth specific procedures for the reporting and remitting of unclaimed property pursuant to Code of Civil Procedure sections 1530 and 1532. This rulemaking action will amend California Code of Regulations, title 2, sections 1155.250 and 1155.350 by changing forms incorporated by reference, and by removing language for which statutory authority has been repealed.

As currently adopted, California Code of Regulations, title 2, section 1155.250 incorporates two forms by reference: SCO EFT-1 (03/98) and SCO EFT-3 (01/98). This rulemaking action will amend Section 1155.250 by updating the two forms incorporated by reference to SCO EFT-1 (01/11) and SCO EFT-3 (01/11). The revised forms accommodate changes in statutory requirements, administrative needs, and technological changes. The proposed amendment to Section 1155.250 will also delete the language requiring prior approval to remit funds by Fedwire.

As currently adopted, California Code of Regulations, title 2, section 1155.350 incorporates two forms by reference: UFS-1 (02/98) and Form UP 27 (2/98). This rulemaking action will replace UFS-1 (02/98) with UFS-1 (04/09), and it will delete the reference to Form UP 27 (02/98).

This rulemaking action will also repeal California Code of Regulations, title 2, section 1175. As currently adopted, Section 1175 requires any person or holder to retain records pertaining to property for a period of seven years after such property is reported, or would have been reported. The repeal of this regulation will remove this affirmative recordkeeping requirement. The repeal of this regulation does not impose any additional reporting or recordkeeping requirements.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Controller has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The State Controller is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these amended regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The State Controller's Office has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the State Controller must determine that no reasonable alternative considered or

that has otherwise been identified and brought to the attention of the State Controller would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Controller invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Dave Brownfield, Staff Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 322-7535
Email: dbrownfield@sco.ca.gov

The backup contact person for these inquiries is:

Rick Chivaro, Chief Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 445-2636
Email: rchivaro@sco.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Dave Brownfield at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The State Controller will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulations, and the initial statement of reasons. Copies may be obtained by contacting Dave Brownfield at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the State Controller may adopt the proposed

regulations substantially as described in this notice. If the State Controller makes modifications which are sufficiently related to the proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Controller adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Dave Brownfield at the address indicated above. The State Controller will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dave Brownfield at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at:

http://www.sco.ca.gov/upd_rptg_notice.html.

TITLE 2. STATE TREASURER'S OFFICE

Notice of Intention to Amend Conflict of Interest Code

NOTICE IS HEREBY GIVEN that BILL LOCKYER, the Treasurer of the State of California, pursuant to the authority vested in him by sections 87300 and 87306 of the Government Code, proposes to amend the conflict of interest code of the Office of the State Treasurer, and of the following State boards, authorities, commissions, and committees chaired by the State Treasurer:

- California Alternative Energy and Advanced Transportation Financing Authority
- California Health Facilities Financing Authority
- California Industrial Development Financing Advisory Commission
- California Transportation Financing Authority
- California Tax Credit Allocation Committee
- ScholarShare Investment Board

Pursuant to Government Code sections 87300 through 87302, and 87306, the conflict of interest code will designate employees who must disclose certain investments, income, interests in real property, and busi-

ness positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendments are proposed to revise and update the list of designated employees, as well as the list of members of the boards, authorities, commissions, and committees listed above. The amendments include:

- Changes to disclosure categories of certain positions.
- Addition and deletion of designated positions.
- Addition of the California Transportation Financing Authority.

Copies of the proposed amended code are available and may be requested from the contact person set forth below.

WRITTEN COMMENT PERIOD

A written comment period has been established commencing on December 2, 2011, and terminating on January 16, 2012. Any interested person may present written comments concerning the proposed amendments to the conflict of interest code no later than 5:00 p.m. on January 16, 2012, to:

State Treasurer's Office
Attention: Deborah Yang
915 Capitol Mall, Room 110
Sacramento, California 95814

No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing. Such a request must be submitted no later than January 1, 2012 by contacting the contact person set forth below.

The State Treasurer has prepared a written explanation of the reasons for the designations and the disclosure responsibilities, and has available all of the information upon which the proposal is based.

AGENCY CONTACT

Copies of the proposed amendments to the conflict of interest code and all of the information upon which the amendments are based may be obtained, and any inquiries concerning the proposed amendments should be directed to:

State Treasurer's Office
Attention: Deborah Yang
915 Capitol Mall, Room 110
Sacramento, California 95814

ALTERNATIVES CONSIDERED

The State Treasurer must determine that no alternative considered by the State Treasurer would be more

effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Treasurer has determined that the proposed amended code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no cost or savings on any State agency.
3. Imposes no cost on any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.
4. Will not result in any nondiscretionary cost or savings to local agencies.
5. Will not result in any cost or savings in federal funding to the State.
6. Will not have any potential cost impact on private persons or businesses, including small businesses.

TITLE 5. STUDENT AID COMMISSION

AMENDMENT TO TITLE 5, CA CODE OF
REGULATIONS REGARDING THE CAL GRANT
PROGRAM AND MANDATORY SYSTEMWIDE
FEES (EDUCATION CODE §§ 66021.2,
69430–69460)

NOTICE OF PROPOSED RULEMAKING

NATURE OF PROCEEDING

Notice is given that the California Student Aid Commission (Commission) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days before its adoption from the persons designated in this Notice as contact persons and will be mailed to those persons who submit written comments related to this proposal, or who provide oral

testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed emergency regulatory action to:

California Student Aid Commission
Attention: Kristen Trimarche
P. O. Box 419029
Rancho Cordova, CA 95741-9029

Comments may also be submitted by facsimile (FAX) at (916) 464-8033 or by e-mail to CalGrantRegsComment@csac.ca.gov. Comments must be submitted before 5:00 p.m. on January 17, 2012.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 69433.7 of the Education Code, and to implement, interpret, or make specific sections 66021.2 and 69430-69460 of the Education Code, the Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations as follows to add section 30001.5, for clarification.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission performs an essential public purpose in protecting and providing educational opportunity by ensuring all students with financial need with access to, and choice of, an institution of higher education. In order to fulfill its objectives, it is necessary for the Commission to define those fees.

For the 2011-12 academic year, the University of California (UC) and California State University (CSU) systems adopted the use of "tuition" and/or "tuition fee" as part of the description of the fees that these institutions charge to students; similar to the nomenclature used by other non-public institutions to describe the cost of instruction. Adopting this description helps postsecondary students better understand and evaluate the costs of attending a postsecondary institution.

Education Code Section 66021.2 indicates that, for UC and CSU, a Cal Grant award covers the mandatory systemwide fees charged by those institutions. The Student Aid Commission wants to interpret and make specific that "tuition" and/or a "tuition fee" are considered to be among the "mandatory systemwide fees" which are eligible for coverage by a Cal Grant award at UC and CSU.

The proposed regulations would implement, interpret, and make specific the elements of the Cal Grant

Program. Specifically, the proposal would add a definition for mandatory systemwide fees.

There are no comparable provisions of federal law related to this proposal.

OTHER STATUTORY REQUIREMENT: None.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES: None.

EFFECT ON HOUSING COSTS: None.

BUSINESS IMPACT/SMALL BUSINESSES

The Commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by California Government Code Section 11342.610. This proposal would not affect private sector or small business.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The Commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

This regulatory proposal does not require a report.

ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comment may be directed to:

California Student Aid Commission
Attention: Kristen Trimarche
P.O. Box 419029
Rancho Cordova, CA 95741-9029
Phone (916) 464-6439; Facsimile (916) 464-8033

Or alternately to:

California Student Aid Commission
Attention: Kathleen Stanley
P.O. Box 419029
Rancho Cordova, CA 95741-9029
Phone (916) 464-8271; Facsimile (916) 464-8033

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and all the information upon which the proposal is based may be obtained upon request from the

California Student Aid Commission
P.O. Box 419029
Rancho Cordova, CA 95741-9029

These documents may also be viewed and downloaded from the Commission's Web site at www.csac.ca.gov.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Commission has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.csac.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

PROPOSED AMENDMENTS TO TITLE 11, DIVISION 1, CHAPTER 4.6.

NOTICE OF PROPOSED ACTION

The Department of Justice ("DOJ") proposes to adopt the amendments described below after considering all comments, objections, and recommendations regarding the proposed action.

I. PUBLIC HEARING

DOJ has not scheduled a public hearing on this proposed action. However, DOJ will schedule a hearing if it receives, no later than 15 days before the close of the written comment period, a written request for a public hearing from any interested person, or his or her authorized representative.

II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DOJ at the following address:

Department of Justice
Office of the Attorney General
Registry of Charitable Trusts
Attn.: Kevis Foley, Registrar
1300 I Street
P.O. Box 903447
SACRAMENTO, CA 94203-4470

Comments may also be submitted by e-mail to raffles@doj.ca.gov. The written comment period closes at 5:00 p.m. on January 16, 2012. DOJ will consider only comments postmarked on or before that date.

III. AUTHORITY AND REFERENCE

Penal Code section 320.5, subdivision (h)(4) authorizes DOJ to adopt regulations necessary to effectuate the section. The proposed amendments are necessary to clarify the existing regulations. The regulations implement, interpret and make specific Penal Code Section 320.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments update the regulations in light of technological developments in the online information submitted via the Internet, refine the regulations after ten years of practical experience of administering the statute, simplify reporting requirements, and delete regulations no longer authorized by statute.

Penal Code section 320.5 ("section 320.5") permits an eligible nonprofit organization, as defined in subdivision (c), to legally conduct raffles for the purpose of directly supporting beneficial or charitable purposes of the eligible organization or that of another nonprofit organization. Eligible nonprofit organizations must register with DOJ prior to conducting a raffle and, by regulation, must file a report for every raffle draw. DOJ has authority to adopt regulations necessary to effectuate the section.

The forms incorporated by reference herein are:

CT-NRP-1 (Rev. 05/2011), Application for Registration ("Registration application" or "registration form")

CT-NRP-2 (Rev. 05/2011), Nonprofit Raffle Report ("Report")

IV. DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None, but the proposed regulatory amendments will lessen the burden on eligible nonprofit organizations that conduct raffles by allowing them to file one aggregate raffle report annually instead of separate reports for each raffle draw.

Cost impacts on a representative private person or businesses: The DOJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Business Reporting Requirement

Penal Code section 320.5 requires eligible nonprofit organizations registered to conduct raffles to report gross receipts and expenses from the conduct of those raffles as well as other information. The existing regulations require and effectuate this reporting. The proposed regulatory amendment continues this requirement but amends the existing regulations to more efficiently satisfy the mandate of the statute.

Small Business Determination

DOJ has determined that the proposed regulations do not affect small business. The proposed regulations will, however, lessen the reporting burden on nonprofit organizations eligible to conduct raffles.

V. CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ has determined that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DOJ invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the public comment period.

VI. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice
Office of the Attorney General
Registry of Charitable Trusts
Attn.: Kevis Foley, Registrar
1300 I Street
P.O. Box 903447
SACRAMENTO, CA 94203-4470
(916) 324-5498
Email: Kevis.Foley@doj.ca.gov

Back-up Contact:

Department of Justice
Office of the Attorney General
Attn.: Sandy Blazak, Charitable Trusts Section
1300 I Street
SACRAMENTO, CA 94203-4470
(916) 327-7882
Email: Sandy.Blazak@doj.ca.gov

Please direct requests for copies of the text of the proposed amendments, the initial statement of reasons, or other information upon which the rulemaking is based to Ms. Foley at the above address.

VII. AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department of Justice will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the initial statement of reasons for the proposed action and the express terms of the proposed action. Copies may be obtained by contacting the contact persons at the address or phone numbers listed above.

The entire rulemaking file will be posted on the DOJ website at www.ag.ca.gov/charities throughout the rulemaking process and available for inspection and copying at its office at the above address.

VIII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulatory amendments substantially as described in this notice. If DOJ makes modifications which are sufficiently related to the originally proposed text, that modified text (with the changes clearly indicated) will be made available to the public for at least 15 days before DOJ adopts the regulations as revised. Please send requests for copies of any modified regulations as set forth above. DOJ will accept written comments regarding the modified regulations for 15 days after the date on which they are made available.

IX. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Foley at the above address.

X. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.ag.ca.gov/charities.

TITLE 15. BOARD OF PAROLE HEARINGS

NOTICE OF PROPOSED RULEMAKING

**TITLE 15. Crime Prevention and Corrections
DIVISION 2. Board of Parole Hearings
(Formerly known as Board of Prison Terms)
CHAPTER 6. Parole Revocation
ARTICLE 1. Parole Hold Policy
ARTICLE 3. Revocation Procedures
ARTICLE 8. Multijurisdiction Regulations
ARTICLE 9. Parole Revocation Extension
Procedures
ARTICLE 10. Worktime Credits**

**Amendment of Sections 2606, 2635.1, 2646.1, 2733,
2740, 2742, 2743 & 2744
and
New Section 2742.1
Parole Revocation Proceedings**

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (Board) proposes to amend California Code of Regulations, (CCR), Title 15, Sections 2606, 2635.1, 2646.1, 2733, 2740, 2742, 2743, and 2744 and to adopt New Section 2742.1. These nine regulations effectuate recent amendments to the Penal Code due to Criminal Justice Realignment.

AUTHORITY AND REFERENCE

Government Code section 12838.4 and Penal Code sections 3040, 3052 and 5076.2 authorize the Board to adopt the proposed regulations. This action is necessary to implement, interpret and make specific Penal Code sections 2932, 2933, 3000.1, 3056, 3057, 3060, 3060.5, 3064, 4019; and comply with recently-adopted legislation, collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011, (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg.

Sess.)), and Assembly Bill 17X (approved by Governor, September 20, 2011 (2011–2012 1st Ex. Sess.)). This action is also necessary to implement requirements of *Armstrong v. Brown*, C–94–2307–CW, (N.D. Cal.) and *Valdivia v. Brown*, C–94–0671–LKK, (E.D. Cal.)

WRITTEN PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON December 2, 2011, AND WILL CLOSE AT 5:00 P.M. ON January 16, 2012.** In order for the comments to be considered by the Board, they must be submitted in writing (by mail, fax or e-mail) to the Board's Contact Person identified in this Notice no later than the close of the comment period.

CONTACT PERSON

Please direct requests for copies of the Initial Statement of Reasons, the Proposed New and Amended Text of the regulation, or other information upon which the rulemaking is based to:

Anne Cervantes, Regulations Coordinator
Board of Parole Hearings
P.O. Box 4036
Sacramento, CA 95812–4036
Telephone: (916) 445–5277
Facsimile: (916) 322–3475
E-mail: Anne.Cervantes@cdcr.ca.gov

In any such inquiries, please identify the action by using the Board's regulation control number RN 11–01.

Note: Substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Katie Riley, Senior Staff Counsel, at (916) 324–9894.

NO PUBLIC HEARING SCHEDULED

The Board has not scheduled a public hearing on this proposed regulatory action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

If one were to be scheduled, the purpose of a public hearing would be to receive oral comments about the proposed regulations. It would not be a forum to debate

the proposed regulations, and no decision regarding the permanent adoption of the proposed regulations would be rendered at a public hearing. The members of the Board would not be present at a public hearing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 12838.4 vests the Board of Parole Hearings (Board) with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code section 3040 vests with the Board the authority to allow prisoners to be released on parole outside prison walls and enclosures.

Penal Code section 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code section 5076.2 requires the Board promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

Recently-adopted legislation, collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011–2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011–2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011–2012 Reg. Sess.)), and Assembly Bill 17X (approved by Governor, September 20, 2011 (2011–2012 1st Ex. Sess.)) made revisions to the Board's authority in conducting parole revocation proceedings. Criminal Justice Realignment was implemented October 1, 2011.

Penal Code section 3056, as modified by Criminal Justice Realignment, sets forth that commencing October 1, 2011, a parolee may not be returned to custody for a parole revocation term longer than 180 days, except as otherwise provided by statute.

Penal Code section 3057, as modified by Criminal Justice Realignment, vests the Board with the authority to determine whether a parolee is eligible to earn work-time credits. Commencing October 1, 2011, the Board only has this authority for inmates sentenced to a term of life imprisonment or parolees that on or before September 30, 2011, were pending final adjudication of a parole revocation charge.

Penal Code section 3057, as modified by Criminal Justice Realignment, vests the Board with the authority to conduct revocation extension proceedings for parolees who conduct in-custody misconduct while serving a parole revocation term. Commencing October 1,

2011, the Board only has this authority for inmates sentenced to a term of life imprisonment or parolees who are serving a parole revocation term on or before September 30, 2011, or who were pending final adjudication of a parole revocation charge on or before September 30, 2011.

Armstrong v. Brown, C-94-2307-CW, (N.D. Cal.) is a class action lawsuit regarding the accommodation of inmates and parolees with disabilities. *Valdivia v. Brown*, C-94-0671-LKK, (E.D. Cal.) is a class action lawsuit regarding the provision of due process in parole revocation proceedings. As part of these lawsuits, the parties negotiated processes for the conducting of parole revocation extension proceedings, which are memorialized in the *Armstrong* Remedial Plan (II) (12/01/2010), incorporated by reference.

A January 15, 2008, court order in *Valdivia v. Brown*, C-94-0671-LKK, (E.D. Cal.) governs procedures for the revocation of parole for parolees with mental illness.

This action provides the following:

Section 2606 reflects revision to the Board of Parole Hearings' authority regarding length of parole holds placed on or after October 1, 2011, to 180 days. This section specifically applies to the length of time a parole hold can be placed.

Section 2635.1 reflects revision to the Board of Parole Hearings' authority regarding length of return-to-custody assessments/offers/dispositions on or after October 1, 2011, to 180 days. This section specifically applies to the length of time a parolee can be returned to custody for parole revocation proceedings.

Section 2646.1 reflects revision to the Board of Parole Hearings' authority regarding length of return-to-custody assessments/offers/dispositions on or after October 1, 2011, to 180 days. This section specifically applies to the violation and confinement return-to-custody guidelines related to parole revocation proceedings.

Section 2733 reflects revision to the Board of Parole Hearings' authority regarding length of return-to-custody assessments/offers/dispositions on or after October 1, 2011, to 180 days. This section specifically applies to parole revocation proceedings for multijurisdictional parolees.

Section 2740 reflects revision to the Board of Parole Hearings' authority regarding length of return-to-custody assessments/offers/dispositions on or after October 1, 2011, to 180 days. This section specifically sets forth a maximum 180-day parole revocation term.

Section 2742 reflects revision to Penal Code section 3057 for the Board of Parole Hearings' authority regarding the type of offenders who can be referred by the California Department of Corrections and Rehabilitation,

Division of Adult Parole Operations for revocation extension proceedings for in-custody misconduct committed while serving a parole revocation term based on a parole hold on or after October 1, 2011.

Section 2742.1 is adopted to reflect revision to Penal Code section 3057 for the Board of Parole Hearings' authority regarding the type of offenders who can be referred by the California Department of Corrections and Rehabilitation, Division of Adult Institutions for revocation extension proceedings for in-custody misconduct committed while serving a parole revocation term on or after October 1, 2011.

Section 2743 reflects revision to Penal Code section 3057 for the Board of Parole Hearings' authority regarding the type of parolees eligible for California Department of Corrections and Rehabilitation worktime credits while serving a parole revocation term based on a parole hold/discovery date before October 1, 2011, or life term inmates.

Section 2744 reflects revision to Penal Code section 3057 for the Board of Parole Hearings' authority regarding the type of parolees not eligible for California Department of Corrections and Rehabilitation worktime credits while serving a parole revocation term based on a parole hold/discovery before October 1, 2011, or life term inmates.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates: The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

Fiscal Impact Statement: The Board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None.**
- Cost or savings to any state agency: **None.**
- Other non-discretionary cost or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**

Significant Statewide Adverse Economic Impact on Business: The Board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effects on Job and/or Business Creation, Elimination or Expansion: The Board has determined that adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on Housing Costs: The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

Small Business Determination: The Board has determined that the proposed regulations do not have a significant adverse economic impact to small business as small business has no involvement in incarceration pending or following a parole revocation action.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 K Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulations), the proposed text of the regulation, Initial Statement of Reasons and Form 399 (Fiscal Impact Statement). Copies of these documents may be obtained by contacting the Board's Contact Person at the address or number listed above or by visiting the Board's website at:
http://www.cdcr.ca.gov/BOPH/reg_revisions.html.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified

text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the Board's website at http://www.cdcr.ca.gov/BOPH/reg_revisions.html. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the Board's Contact Person identified in this Notice or by visiting the Board's website at: http://www.cdcr.ca.gov/BOPH/reg_revisions.html.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF EMERGENCY REGULATIONS

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3341.5, 3375.2, and 3377.1 in the California Code of Regulations (CCR), Title 15 concerning transfers of inmates to Intermediate Care Facilities.

PUBLIC HEARING

Date and Time: **January 24, 2012 — 10:00 a.m. to 11:00 a.m.**
Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **January 24, 2012, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regard-

ing the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Josh Jugum
Regulation and Policy Management Branch
Telephone (916) 445-2228

Questions regarding the substance of the proposed regulatory action should be directed to:

Tanya Rothchild
Classification Services Unit
Telephone (916) 322-2544

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons

(ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action provides the following:

- Amends Sections 3341.5, 3375.2, and 3377.1 of the California Code of Regulations, Title 15, concerning the suspension and reinstatement of Segregated Housing Unit (SHU) terms, emergent medical and psychiatric inmate transfers, and the provisions of a new inmate custody designation for inmates in need of specified medical or mental health care.
- Establishes that inmates sentenced to SHU terms may have those terms reimposed if the term was suspended based solely on the need for inpatient medical or mental health treatment.
- Incorporates into the regulations by reference CDCR Form 128-G (Rev. 10/89) Classification Chrono. A copy of this form has been made available for public review.
- Establishes that inmates serving a sentence of life without the possibility of parole who are in need of urgent medical or psychiatric care may be transferred to a celled in-patient medical or mental health bed, pending approval by the Departmental Review Board.
- Establishes a "D" suffix as a new identifier to be added to an inmate's "Close Custody" (i.e., high security) designation in specified cases. The "D" suffix will allow inmates with Close Custody designations to be housed in a dormitory environment for purposes of medical or mental health treatment.
- Establishes criteria for the placement and removal of "D" suffixes.

TITLE 15. PRISON INDUSTRY AUTHORITY

NOTICE OF PROPOSED REGULATIONS

Division 8 California Prison Industry Authority

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801, 2808, 2811 in order to implement, interpret and make specific PC Section 2811, and Labor Code Section 1182 propose to adopt Sections 8006 of Article 4, of the California Code of Regulations (CCR), Title 15, Division 8 concerning CALPIA Inmate Pay.

PUBLIC HEARING

Date and Time: January 24, 2012 — 10:00 a.m. to 11:00 a.m.
 Place: CALPIA Central Office
 560 East Natoma Street
 Folsom, CA 95630
 Purpose: To receive comments about this action.

- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The CALPIA under the authority of the PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

PUBLIC COMMENT PERIOD

The public comment period will close, January 24, 2012 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358-1610; or by e-mail at CALPIAregs@calpia.ca.gov before the close of the comment period.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CALPIA under the authority of the PIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONTACT PERSON

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Ann Cunningham
Regulation and Policy Manager
California Prison Industry Authority
560 East Natoma Street, Folsom CA 95630
Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Lynn Braydis
Legal Secretary
California Prison Industry Authority
Telephone (916) 358-1711

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CALPIA under the authority of the PIB has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of state prisons.

EFFECT ON SMALL BUSINESSES

The CALPIA under the authority of the PIB has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CALPIA under the authority of the PIB has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: *None.*
- Cost or savings to any state agency: *None.*

CONSIDERATION OF ALTERNATIVES

The CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the

CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CALPIA under the authority of the PIB has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may adopt the proposed regulations substantially as described in this Notice. If the CALPIA under the authority of the PIB makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CALPIA under the authority of the PIB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Prison Industry Authority (CALPIA) and the California Prison Industry Board (PIB) propose

to adopt Section 8006 of Article 4, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Pay. The Office of Administrative Law (OAL) has published a Determination regarding CALPIA policies, (CTU 2009-11-9-01) determining that CALPIA inmate pay schedules meet the definition of a regulation in Government Code Section 11342.600. These regulations are meant to address this Determination by adopting regulations pursuant to the Administrative Procedure Act (APA).

The policies of the CALPIA have been vetted through the public process of the PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB approved the filing of these regulations at their Board Meeting on October 21, 2011. The PIB's Record of Vote and a portion of the transcript of the minutes are filed as an attachment to the Initial Statement of Reasons. These documents represent a true account of the PIB's meeting. The vote of the PIB was unanimous for the approval of the regulations to be filed with OAL.

PC Section 2801 provides CALPIA with implied rulemaking authority. Section 2801(b) clearly states that the purpose of the authority is to create and maintain working conditions within the enterprises as much like those which prevail in private industry. PC 2811 provides the General Manager of the CALPIA the authority to adopt and maintain a compensation schedule for inmate employees.

The CALPIA and the PIB have implied rulemaking authority to adopt regulations to implement, interpret or make specific the laws enforced or administered by CALPIA, or to govern its procedures.

This action proposes the adoption of text as follows:

- **New Article 4 is adopted to read CALPIA Inmate Pay.** Within this Article the inmate pay description and the actual CALPIA inmate pay schedule are standardized. This article establishes guidelines and sets in place the standard by which CALPIA inmate workers shall be paid, which include inmate pay rates, the inmate pay schedule and exceptions.
- **New Section 8006 is adopted** to make specific PC Section 2811 which directs the GM of CALPIA to adopt and maintain a compensation schedule for inmate workers.
- **Subsection 8006(a) is adopted** to restate statute that the GM determines the compensation inmates who are assigned to CALPIA work programs receive.
- **Subsection 8006(b) is adopted** to create a process by which any proposed changes to the Inmate Pay Schedule shall be submitted by the GM to the PIB for their review.

- **Subsection 8006(c) is adopted** to specify that the GM has authority to make the final determination with regards to any disputes or interpretations of the Inmate Pay Schedule. As specified in PC 2808(e), the GM serves “as the chief administrative officer of the authority” and pursuant to PC 2801, the GM carries out the purpose of the authority and that is to operate CALPIA ensuring the operation is run efficiently and in accordance with not only statute, but with daily business practices of a private corporation.
- **Subsection 8006(d) is adopted** to create a schedule by which to determine an appropriate rate of pay to compensate CALPIA inmate workers.
- **Subsection 8006(e) is adopted** to provide authority to the Prison Industries Administrator/Lead Manager at each facility to administer the CALPIA inmate pay program, ensuring paid positions are properly classified and allocated.
- **Subsection 8006(f) is adopted** to lay out the different situations that allow inmate movement between one pay rate to another pay rate. This is necessary so that inmates would be informed and know the process by which they may move between one pay rate to another.

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULEMAKING

Title 22, California Code of Regulations

DPH-09-004, Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors

PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the California Department of Public Health will conduct written public proceedings during which time any interested person or such person’s duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Coleen Keelan, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7439, or use the California Relay Service by dialing 711.

PUBLIC COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on January 16, 2012, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711. Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov;
2. By fax transmission: (916) 440-5747;
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or
4. Hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814.

Any inquiries or written comments should contain the regulation package identifier, DPH-09-004

All comments, including email or fax transmissions, should include the author’s name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

CONTACT INFORMATION

Questions regarding the subject matter of the regulation should be directed to:

Mike McKibben
Center for Environmental Health
California Department of Public Health
P.O. Box 997377, Sacramento, CA 95899-7377
(619) 525-4023

Questions regarding the regulatory process described in this notice should be directed to:

Miko Sawamura, Staff Services Manager II
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507,
Sacramento, CA 95899-7377
(916) 440-7690

In the event the contact person named above is unavailable, inquiries should be directed to the following back-up person:

Coleen Keelan, Associate
Governmental Program Analyst
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507,
Sacramento, CA 95899-7377
(916) 440-7439

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

LOCAL MANDATE

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the regulations would not have a significant state-

wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

STATEWIDE EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the regulations would not significantly affect the following:

- 1. The creation or elimination of jobs within the State of California.
- 2. The creation of new businesses or the elimination of existing businesses within the State of California.
- 3. The expansion of businesses currently doing business within the State of California.

STATEWIDE EFFECT ON SMALL BUSINESS

The Department has determined that the regulations will not affect small business because public water systems are excluded from the definition of a small business.

STATEWIDE EFFECT ON HOUSING COSTS

The Department has determined that the regulations will have no impact on housing costs.

REPORTING REQUIREMENT

The Department has determined that the proposed regulations require reports from businesses, and it is necessary for the health, safety, or welfare of the people of California that the proposed regulations apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the

proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the hand delivery address previously noted, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the ISOR) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

To request that a copy of this public notice, the regulation text, and the ISOR or alternate formats for these documents be mailed to you, please call (916) 440-7439 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, send a fax to 916-440-5747, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation. Copies of modified regulation text may be obtained from the Department's website at www.cdph.ca.gov.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f et seq.), as well as by the California Department of Public Health (Department) under the California Safe Drinking Water Act (Health & Saf. Code, div. 104, pt. 12, ch. 4, § 116270 et seq.). California has been granted primary enforcement responsibility, ("primacy") by U.S. EPA for public water systems in California. California has no authority to enforce federal regulations, but only state regulations. Federal law and regulations require that California, in order to receive and maintain primacy, promulgate regulations that are no less stringent than the federal regulations. Pursuant to Health and

Safety Code sections 116350, 116375, 131052, and 131200, the California Department of Public Health (Department) has authority to adopt the subject regulations.

On January 4, 2006, the U.S. EPA promulgated the Stage 2 Disinfectants and Disinfection Byproducts Rule (S2DDBPR) (71 Fed. Reg. 388; amended Jan. 27, 2006, 71 Fed. Reg. 4644, June 29, 2006, 71 Fed. Reg. 37168, and June 29, 2009, 74 Fed. Reg. 30953), as required by the Safe Drinking Water Act Amendments of 1996 (SDWAA), which provides increased public health protection by reducing the potential risk of adverse health effects associated with Total Trihalomethanes (TTHM) and five Haloacetic Acids (HAA5) throughout the distribution system. The S2DDBPR applies to community water systems and nontransient noncommunity water systems using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light.

This rule builds on the Stage 1 Disinfectants and Disinfection Byproducts Rule (S1DDBPR) by focusing on monitoring for and reducing concentrations of TTHM and HAA5 in drinking water. The S2DDBPR requires some systems to complete an Initial Distribution System Evaluation (IDSE) to characterize TTHM and HAA5 levels in their distribution system and identify locations to monitor TTHM and HAA5 for S2DDBPR compliance. The S2DDBPR bases TTHM and HAA5 compliance on a locational running annual average (LRAA) calculated at each monitoring location.

In 2003, California Assembly Bill 1757 was chaptered, which repealed the Permit Reform Act (PRA) of 1981, which consisted of sections 15374-15378 of the Government Code. The PRA of 1981 required the Department to adopt regulations that include procedures for considering and issuing permits, most notably including (1) setting of time from receipt of permit application to notification Department that application was complete, (2) setting of time from completion of an application for Department to make a decision on the permit, and (3) listing of minimum, median, and maximum processing times for permits. With the PRA requirements no longer in place, the current proposed rulemaking will repeal regulations adopted in conformance with the PRA of 1981.

On June 17, 2006, and September 1, 2006, the Department's regulations concerning Disinfectants/Disinfection Byproducts in Drinking Water (R-62-00) and Public Notification of Drinking Water Violations (R-59-01) became effective, respectively. As both regulations were in the rulemaking process concurrently, not all of the federal Public Notification Rule (65 Fed. Reg. 25982 (May 4, 2000)) requirements could be included in the Department's public notification regula-

tions. The proposed rulemaking will include the remaining public notification and consumer confidence report requirements from the federal Public Notification Rule that relate to the federal S1DDBPR. The proposed rulemaking will also include, for clarity, a provision from the federal S1DDBPR on monitoring violations.

California currently requires community water systems and nontransient noncommunity water systems to monitor for TTHM and HAA5 in the distribution system, if the water systems (1) treat their water with a chemical disinfectant in any part of the treatment process or (2) provide water containing a chemical disinfectant. (Cal. Code Regs., tit. 22, div. 4, ch. 15.5, § 64530 et seq.).

Pursuant to federal primacy requirements and sections 116350, 116375, 131052, and 131200 of the Health and Safety Code, the Department proposes the below noted changes to title 22. In addition to these changes, the Department proposes a number of non-substantive changes, which are not described in detail below due to their minor nature. The non-substantive changes are to correct capitalization, grammar, punctuation, spacing, and use of acronyms, plurals, and italics; redesignate subsections and paragraphs; update reference to the outdated phrase “California Administrative Code”; and update or delete reference to outdated division, part, chapter, group, article, section, and table numbers.

- Amend section 60001 (Department) to provide an alternate spelling of “Department” used in new and revised regulations and update the name of the state regulating agency.
- Amend section 60003 (Director) to update the name of the state regulating agency.
- Adopt article 2 (Monitoring and Reporting Requirements — Scope) and section 60098 (Monitoring and Reporting Requirements) to clarify what regulatory requirements are included in section 116275(c)(3) as monitoring and reporting violations.
- Repeal section 60430 (Processing Time) to conform to the repeal of the PRA of 1981.
- Amend section 63790 (Examination Scheduling and Application Processing) to conform to the repeal of the PRA of 1981 and provide a title that is more descriptive and appropriate for the section.
- Amend section 63835 (Certification and Renewal Application Processing) to conform to the repeal of the PRA of 1981, clarify existing language, and provide a title that is more descriptive and appropriate for the section.
- Amend section 64001 (Water Permit Application) to conform to the repeal of the PRA of 1981 and establish permit submittal requirement for a permit or amended permit.
- Repeal section 64002 (Processing Time) to conform to the repeal of the PRA of 1981 and delete obsolete language.
- Amend section 64211 (Permit Requirement) to conform to the repeal of the PRA of 1981.
- Amend section 64213 (Chemical Quality Monitoring) to update a reference to approved analytical methods for volatile organic chemical analysis.
- Amend section 64252 (Primacy Delegation Application) to (1) require Local Primacy Agencies (LPAs) to include in their application (a) the compliance status of water systems with chapter 15.5 and (b) an annual workplan, (2) delete obsolete language, and (3) conform to the repeal of the PRA of 1981.
- Amend section 64254 (Permits) to require LPAs to include compliance with chapter 15.5 during permit issuance.
- Amend section 64256 (Sampling and Monitoring) to ensure LPAs require water systems to comply with monitoring requirements of chapter 15.5.
- Amend section 64257 (Reporting) to require LPAs to report compliance of water systems with chapter 15.5.
- Amend section 64258 (Enforcement) to require LPAs to enforce chapter 15.5.
- Adopt sections 64400.05 (Combined Distribution System), 64400.29 (Consecutive System), 64400.36 (Dual Sample Set), 64400.41 (Finished Water), 64400.66 (Locational Running Annual Average or LRAA), 64400.90 (Operational Evaluation Levels or OEL), 64402.30 (Wholesale System) to add necessary definitions.
- Amend section 64400.45 (GAC10) to revise the definition of GAC10 and clarify the monitoring frequency.
- Adopt 64400.46 (GAC20) to add a necessary definition and clarify the monitoring frequency.
- Amend section 64415 (Laboratory and Personnel) to clarify who may perform required analyses, sample collection, and field tests; allow the use of methods for unique California-only regulated contaminants; and provide needed flexibility in the event the Department determines a U.S. EPA approved method is unacceptable.
- Repeal section 64439 (Trihalomethanes Requirements) to eliminate obsolete

requirements; TTHM is now regulated under chapter 15.5.

- Amend section 64463.1 (Tier 1 Public Notice) to include notification of chlorite maximum contaminant level (MCL) and chlorine dioxide maximum residual disinfectant level (MRDL) violations. The U.S. EPA currently requires Tier 1 and Tier 2 public notification for violation of the chlorine dioxide MRDL and Tier 2 public notification for violation of the chlorite MCL. Chlorite is a degradation product of chlorine dioxide. The federal maximum residual disinfectant level goal for chlorine dioxide is 0.8 mg/L, the same as the maximum contaminant level goal for chlorite. The listed endpoints of concern for both are the neurodevelopmental effects associated with short-term exposures. As chlorine dioxide and chlorite have the same acute health effects, the Department believes that the response to excess chlorite in drinking water should not be less stringent than that for chlorine dioxide.
- Amend section 64463.4 (Tier 2 Public Notice) to include notification of MRDL violations and chapter 15.5 monitoring and testing procedure violations.
- Repeal section 64468.5 (Health Effects Language — Disinfectants and Disinfection Byproducts) to delete obsolete language; health effects language for disinfectants and disinfection byproducts is now regulated in appendix 64465–G.
- Amend section 64470 (Record Maintenance) to use the term “microbiological” in lieu of “bacteriological” and require recordkeeping for turbidity analyses and monitoring plans.
- Amend section 64481 (Content of the Consumer Confidence Report) to (1) revise the definition of primary drinking water standard; add definitions for MRDL and MRDL goal; require reporting of chapter 15.5 detected contaminants; revise the type of information to be reported in the table of detected contaminants; clarify reporting of recycled provisions violations; use the phrase “California Department of Public Health” in lieu of “State Department of Health Services”; and delete references to obsolete federal requirements, (2) appendix 64481–A (Typical Origins of Contaminants with Primary MCLs) — provide a title that is more descriptive and appropriate for the appendix; adopt health effects language for surface water treatment, disinfection byproducts, disinfection byproduct precursors, and disinfectant residuals; and delete the obsolete TTHM health effects language, and (3) appendix 64481–B (Typical Original of Contaminants with Secondary MCLs) — adopt health effects language for copper and delete the obsolete corrosivity health effects language.
- Amend section 64530 (Applicability of this Chapter) to specify applicability and schedules for water systems to (1) comply with IDSE requirements (incorporated federal rule by reference) and (2) conduct TTHM and HAA5 compliance monitoring and compliance calculations.
- Amend section 64533 (Maximum Contaminant Levels for Disinfection Byproducts) to revise detection limits for purposes of reporting disinfection byproducts and establish additional best available technologies for TTHM and HAA5 in table 64533–B (Best Available Technology Disinfection Byproducts).
- Amend section 64534 (General Monitoring Requirements) to clarify who may perform required analyses, sample collection, and field tests; provide needed flexibility in the event the Department determines a U.S. EPA approved method is unacceptable; update federal rule citations relating to the proposed rulemaking; allow the use of U.S. EPA approved alternative testing methods; clarify that sample collection and field tests are to be performed by persons trained to perform such sample collections and/or tests; clarify the applicability of subsection (d); delete an outdated reference to the federal Information Collection Rule (ICR), because the ICR only remained in effect until December 30, 2000 (61 Fed. Reg. 24354 (May 14, 1996)); and clarify what constitutes monitoring violations and actions to be taken.
- Amend section 64534.2 (Disinfection Byproducts Monitoring) to establish additional criteria to resume routine TTHM/HAA5 monitoring based on source water total organic carbon (TOC) results; clarify when to analyze chlorite samples collected daily at the entrance to the distribution system; establish when to analyze chlorite samples collected in the distribution system [paragraph (b)(1)] and establish criteria for chlorite confirmation sampling and analysis for samples collected in the distribution system [paragraph (b)(4)] (it is constructed similarly to the determination for perchlorate; since chlorite poses a relatively acute risk of adverse effects, it is important to move quickly and take actions in response to the initial result); establish new criteria to reduce or remain on reduced bromate monitoring; require Department notification

within 30 days if a system elects to reduce bromate monitoring or is required to resume routine bromate monitoring; establish criteria to resume routine bromate monitoring; establish routine, reduced, and increased monitoring requirements for TTHM and HAA5, when MCL compliance is determined on a LRAA basis at each monitoring location; establish requirements for undisinfected systems that begin using a disinfectant other than UV light after the IDSE compliance dates; require an operational evaluation when an operation evaluation level (OEL) is exceeded for TTHM or HAA5; when a system is able to identify the cause of the OEL exceedance, the request to limit the scope of the operational evaluation must be in writing; specify the time period associated with monitoring violations; and cite the sections that provide the detailed requirements for public notification and Department reporting.

- Amend section 64534.6 (Disinfection Byproduct Precursors (DBPP) Monitoring) to establish source water TOC monitoring requirements for systems that use an approved surface water, do not use conventional filtration to treat the water (i.e., a system uses direct filtration, diatomaceous earth filtration, or an alternative filtration technology, or meets the filtration avoidance criteria), and are seeking to qualify for reduced TTHM and HAA5 monitoring.
- Amend section 64534.8 (Monitoring Plans) to establish monitoring plan requirements for TTHM and HAA5 compliance monitoring locations, when MCL compliance is determined on a LRAA basis at each monitoring location.
- Amend section 64535.2 (Determining Disinfection Byproducts Compliance) to clarify TTHM and HAA5 compliance determination requirements during the first year of monitoring, when MCL compliance is determined on a statewide basis and on a LRAA basis at each monitoring location; replace “at the end of the quarter” with “immediately” to clarify when the violation has occurred and for consistency with public notification requirements, which requires a water system to issue a notice when it learns of the violation; delete chlorite compliance determination requirements where non-compliance with the chlorite MCL would trigger Tier 2 public notification based on the arithmetic average of each three sample-set taken in the distribution system; establish chlorite compliance determination requirements where non-compliance with the chlorite MCL would

trigger (1) Tier 1 and Tier 2 public notification based on samples taken at the entrance to the distribution system and in the distribution system, respectively (note: subsections (d)(1) and (d)(3) are constructed similarly to the determination for chlorine dioxide) and (2) Tier 1 public notification base on initial and confirmation samples taken in the distribution system (note: compliance based on a locational average is more stringent than a compliance based on a system average that includes the confirmation samples); establish TTHM and HAA5 compliance determination requirements after the first year of monitoring when MCL compliance is determined on a LRAA basis at each monitoring location; clarify how TTHM and HAA5 MCL compliance is determined if system is on increased monitoring; specify the time period associated with MCL violations when MCL compliance is determined on a LRAA basis at each monitoring location; and cite the sections that provide the detailed requirements for public notification and Department reporting.

- Amend section 64537 (General Reporting Requirements) to provide a more appropriate title for the section; clarify the reporting deadline for systems that sample less frequently than quarterly; establish water system and Department notification requirements for a chlorite MCL or chlorine dioxide MRDL exceedance; establish operational evaluation reporting requirements; and establish monitoring plan and chemical analysis recordkeeping requirements.
- Amend section 64537.2 (Disinfection Byproducts Reporting) to clarify applicability of reporting under table 64537.2–A; delete a chlorite reporting requirement that will be obsolete with the revisions made to section 64535.2(d); establish a chlorite reporting requirement, when a confirmation sample is taken pursuant to section 64634.2(b)(4); and establish TTHM and HAA5 reporting requirements when MCL compliance is determined on a LRAA basis at each monitoring location, under table 64537.2–B.

The net effect is that:

- Community water systems (CWS), and nontransient noncommunity water systems (NTNCWS) serving at least 10,000 persons, using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light would be required to

- conduct an IDSE to characterize locations with high TTHM and HAA5 concentrations.
- CWS and NTNCWS using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light would be required to:
 - Report TTHM and HAA5 results with respect to revised detection limits for purposes of reporting.
 - Comply with new routine, reduced, and increased monitoring requirements for TTHM and HAA5.
 - Comply with TTHM and HAA5 MCLs on a LRAA basis at each monitoring location.
 - If the operational evaluation level for TTHM or HAA5 is exceeded, conduct an operational evaluation and submit a report to the Department.
 - Update and submit to the Department monitoring plans to specify TTHM and HAA5 monitoring locations, where MCL compliance is determined on a LRAA basis at each monitoring location.
 - Report to the Department information on TTHM and HAA5 monitoring and MCL compliance, where MCL compliance is determined on a LRAA basis at each monitoring location.
- CWS and NTNCWS that treat their water with a chemical disinfectant in any part of the treatment process or provide water containing a chemical disinfectant would be required to:
 - If using chlorine or chloramines as a disinfectant:
 - Comply with additional criteria to resume routine TTHM and HAA5 monitoring (compliance on a system-wide basis).
 - If using chlorine dioxide as a disinfectant:
 - Report chlorite results with respect to a revised detection limit for purposes of reporting.
 - Comply with time frames for analyzing chlorite samples collected at the entrance to the distribution system and collected in the distribution system.
 - Conduct confirmation sampling for chlorite in the distribution system when applicable.
- Comply with chlorite MCL and chlorine dioxide MRDLs, where noncompliance results in Tier 1 or Tier 2 public notification.
- Comply with laboratory notification requirements of the water system and Department when a sample exceeds a chlorite MCL or chlorine dioxide MRDL.
- Report to the Department information on chlorite monitoring and MCL compliance.
- If using ozone as a disinfectant:
 - Report bromate results with respect to a revised detection limit for purposes of reporting.
 - Comply with new criteria to reduce or remain on reduced bromate monitoring.
 - Notify the Department if going on reduced bromate monitoring or resuming routine bromate monitoring.
 - Comply with criteria to resume routine bromate monitoring.
- If using an approved surface water, not using conventional filtration, and seeking to qualify for reduced TTHM and HAA5 monitoring:
 - Conduct source water TOC monitoring.
- Update and submit to the Department monitoring plans if applicable.
- Undisinfected CWS and NTNCWS that begin using a disinfectant other than UV light after the IDSE compliance dates would be required to consult with the Department, establish monitoring locations, and prepare a monitoring plan.
- LPAs would be granted the responsibility and authority to implement and enforce chapter 15.5.
- CWS and NTNCWS would be required to conduct:
 - Tier 1 public notification for acute violation of the chlorite MCL or chlorine dioxide MRDL.
 - Tier 2 public notification for:
 - non-acute violation of the chlorite MCL or chlorine dioxide MRDL or,
 - if the Department determines a Tier 2 rather than a Tier 3 public notice is required, violation of other monitoring and testing procedure requirements of chapter 15 (i.e., public notification and consumer confidence report requirements) or chapter 15.5.

- Public water systems would be required to maintain records for microbiological (in lieu of bacteriological) analyses, turbidity analyses, and monitoring plans.
- Public water systems would be required to include in their Consumer Confidence Report, if applicable, detections and violations of chapter 15.5 contaminants, violations of regulatory action levels and recycled provisions, and health effects language for surface water treatment, chapter 15.5 contaminants, and copper.
- Public water systems would be allowed to use U.S. EPA approved alternative test methods for analysis of chapter 15.5 contaminants.
- The Department would no longer be required to regulate its activities when considering and issuing permits.

None of the proposed amendments would affect California's primacy status, because the net effect of these amendments is that the state's regulation would be at least as stringent as the federal regulation.

The following table summarizes the proposed amendments with respect to the Federal citation references:

- 2009 FR are to 40 Code of Federal Regulations part 141 (74 Fed. Reg. 30953 (June 29, 2009)),

"National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods".

- 2006 FR are to 40 Code of Federal Regulations, part 141 (71 Fed. Reg. 388 (January 4, 2006)), "Stage 2 Disinfectants and Disinfection Byproducts Rule".
- 1/2006 FR are to 40 Code of Federal Regulations part 141 (71 Fed. Reg. 4644 (January 27, 2006)), "Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction".
- 6/2006 FR are to 40 Code of Federal Regulations part 141 (71 Fed. Reg. 37168 (June 29, 2006)), "Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction".
- 2000 FR are to 40 Code of Federal Regulations part 141 (65 Fed. Reg. 25982 (May 4, 2000)), "Public Notification Rule".
- 1998 FR are to 40 Code of Federal Regulations part 141 (63 Fed. Reg. 44512 (August 19, 1998)), "Consumer Confidence Reports".
- 12/1998 FR are to 40 Code of Federal Regulations part 141 (63 Fed. Reg. 69390 (December 16, 1998)), "Disinfectants and Disinfection Byproducts Rule".

State Citation	Federal Citation	Differences
64400.36	2006 FR; 141.2	Did not include the federal language concerning the purpose of the definition, as this is considered narrative.
64400.45	2006 FR; 141.2	Added language to clarify the monitoring frequency.
64400.46	2006 FR; 141.2	Added language to clarify the monitoring frequency.
64481(d)(3)	2000 FR; 141.153(d)(6)	Added language to clarify that the table shall clearly identify any data indicating a violation of regulatory action levels.
64481(g)(2)	1998 FR; 141.153(f)(2)	Added language to clarify that recycled provisions are part of the Subpart H filtration and disinfection requirements.

State Citation	Federal Citation	Differences
64481, Appendix 64481–A, Disinfection Byproducts, Disinfection Byproduct Precursors, and Disinfectant Residuals	2000 FR; Appendix A to Subpart O of Part 141	<p>Disinfectants (Chloramines, Chlorine, and Chlorine Dioxide) —Modified language for ease in understanding the relationship to disinfection byproducts.</p> <p>Control of Disinfection Byproduct Precursors (Total Organic Carbon) —Modified language to include manmade sources as a source of TOC.</p>
64530(c)	2009 FR; 141.605(b) 2006 FR; 141.600–141.605	Incorporated IDSE requirements by reference.
64534.2(c)(2)	2006 FR; 141.132(b)(3)(ii)(B)	Added language to require CDPH notification of a change in monitoring frequency. The notification is necessary to inform CDPH that monitoring is reduced as the system qualified for reduced monitoring and is not a result of a monitoring failure.
64534.2(c)(3)	2006 FR; 141.132(b)(3)(ii)(B)	Added language to require CDPH notification of a change in monitoring frequency. The notification is necessary to inform CDPH that monitoring is reduced as the system qualified for reduced monitoring and is not a result of a monitoring failure.
64534.2(d)(1), Table 64534.2–C	2009 FR; 141.621(a)(2), Footnote 2 2006 FR; 141.620(c)(6) & 141.621(a)(2)	For clarity, reorganized column order, column headings, and footnote numbering.
64534.2(d)(3)	2006 FR; 141.623(a)	For consistency with existing state regulation [section 64534.2(a)(1)], added language to (1) require the system to apply to the Department for reduced monitoring and (2) specify what information must be included in the application for the Department to make a determination. An application to reduce monitoring is necessary to ensure that all criteria are met before a system reduces monitoring.

State Citation	Federal Citation	Differences
64534.2(d)(3), Table 64534.2–D	2006 FR; 141.623(a)	<p>For clarity, reorganized column order and column headings.</p> <p>For systems using only groundwater not under direct influence of surface water and serving <500 population, the number of distribution system monitoring locations is revised to read “1 dual sample set every third year” instead of “1 dual sample set per year” to agree with “every third year” in the monitoring period column. The monitoring frequency disagreement and the language that was intended are discussed on page 30955 in 2009 FR.</p>
64534.2(d)(6)	2006 FR; 141.626(a) & (b)	Added language to clarify that system request to limit the scope of the operational evaluation must be in writing.
64534.6(c)(1)	2006 FR; 141.132(b)(1)(iii)	Does not include reference to “April 1, 2008” since that date has passed.
64534.6(c)(2)	2006 FR; 141.132(b)(1)(iii)	<p>Added language to clarify when a system on reduced source water TOC monitoring would need to return to routine source water TOC monitoring.</p> <p>Revised “at the end of the quarter” to read “immediately” to clarify when the violation has occurred and for consistency with public notification requirements, which requires a water system to issue a notice when it learns of the violation.</p>
64534.8(a)	2006 FR; 141.622(a)(1), (b), & (c)	Retained existing state language for consistency to (1) require all systems to submit plans to the Department for review and approval prior to implementation (2) make plans available to the public no later than 30 days following the applicable compliance date. The federal language requires systems serving more than 3300 persons to submit plans prior to monitoring, if the systems did not include the information in their IDSE report. The Department believes it is necessary to review and approve all plans before monitoring begins to verify that the proposed monitoring locations and frequencies are appropriate.

State Citation	Federal Citation	Differences
64535.2(e)(2)	2006 FR; 141.620(d)(2)	Added language to clarify how MCL compliance is determined if system is on increased monitoring.

Documents Incorporated by Reference

The following documents are incorporated by reference in the regulations as it would be too cumbersome, unduly expensive, or impractical to publish these documents into regulation.

- 1) 40 Code of Federal Regulations parts 141.131, 141.605, and 141.621 (74 Fed. Reg. 30953 (June 29, 2009)), "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods".
- 2) 40 Code of Federal Regulations, parts 141.600, 141.601, 141.602, 141.603, 141.604, and 141.605 (71 Fed. Reg. 388 (January 4, 2006)), "Stage 2 Disinfectants and Disinfection Byproducts Rule".
- 3) 40 Code of Federal Regulations part 141.131 (71 Fed. Reg. 37168 (June 29, 2006)), "Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction".
- 4) 40 Code of Federal Regulations part 141.131 (63 Fed. Reg. 69390 (December 16, 1998)), "Disinfectants and Disinfection Byproducts".
- 5) 40 Code of Federal Regulations parts 141.701(a)(4) and (a)(6) (71 Fed. Reg. 654 (January 5, 2006)), "Long Term 2 Enhanced Surface Water Treatment Rule".
- 6) 40 Code of Federal Regulations part 141.131 (66 Fed. Reg. 3770 (January 16, 2001)), "Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), and Revisions to the State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments".

Note: All Federal Register references may also be viewed, at no cost, through the following internet address: <http://www.gpoaccess.gov/fr/index.html>.

AUTHORITY: Sections 4011, 4019, 106910, 116325, 116340, 116350, 116375, 116735, 131052 and 131200, Health and Safety Code; Section 15376, Government Code; Sections 21000–21176, Public Resources Code.

REFERENCE: Sections 20, 21, 100275, 106875, 106880, 106910, 116275, 116330, 116340, 116350, 116365, 116375, 116385, 116390, 116400, 116450,

116460, 116525, 116530, 116535, 116540, 116545, 116550, 116555, 116590, 116595, 116625, 116650, 116655, 116660, 116665, 116670, 116675, 116725, 116730, 116735, 116740, 116745, 116750; Section 15376, Government Code; Sections 21000–21176, Public Resources Code; 40 CFR 141.

GENERAL PUBLIC INTEREST

**TITLE 2. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING and BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **January 19, 2012**,
at 10:00 a.m.
in the Auditorium of the
Harris State Building,
1515 Clay Street,
Oakland California.

At the Public Meeting, the Board will make time available to receive comments or proposals from inter-

ested persons on any item concerning occupational safety and health.

BUSINESS MEETING: On **January 19, 2012**,
following the Public
Meeting,
in the Auditorium of the
Harris State Building,
1515 Clay Street,
Oakland California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE:
Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF INTENT TO LIST KRESOXIM-METHYL AND TETRACONAZOLE December 2, 2011

The California Environmental Protection Agency's
Office of Environmental Health Hazard Assessment

(OEHHA) intends to list the chemicals *kresoxim-methyl* and *tetraconazole* as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986.¹ This action is being proposed under the authoritative bodies listing mechanism.²

Chemical (CASNo.)	Endpoint	Reference	Occurrence
<i>Kresoxim-methyl</i> (143390-89-0)	Cancer	U.S. EPA (1999)	Fungicide used on apples, cherries, grapes, pears, pome fruits and pecans
<i>Tetraconazole</i> (112281-77-3)	Cancer	U.S. EPA (2000)	Triazole fungicide used to control leafspot and powdery mildew on sugar beets

OEHHA requested information relevant to the possible listing of *kresoxim-methyl* and *tetraconazole* in a notice published in the *California Regulatory Notice Register* on October 22, 2010 (Register 2010, Vol. No. 43-Z). OEHHA received public comments on both chemicals.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)³).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The U.S. Environmental Protection Agency (U.S. EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a de-

termination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: *Kresoxim-methyl* and *tetraconazole* each meet the criteria for listing as known to the State to cause cancer under Proposition 65, based on findings of the U.S. EPA (U.S. EPA, 1999; U.S. EPA, 2000).

Formal identification and sufficiency of evidence for kresoxim-methyl: In 1999, the U.S. EPA published a report on *kresoxim-methyl* entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Kresoxim-Methyl* that concludes that the chemical causes cancer (U.S. EPA, 1999). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the U.S. EPA's discussion of data and conclusions in the report that *kresoxim-methyl* causes cancer. The U.S. EPA report concludes that *kresoxim-methyl* is " 'likely to be carcinogenic to humans' by the oral route." Evidence described in the report includes studies showing that *kresoxim-methyl* increased the incidences of hepatocellular carcinoma in male and female rats in two experiments in each sex.

Thus, the U.S. EPA (1999) has found that *kresoxim-methyl* causes increased incidence of malignant liver tumors in two experiments in male rats and in two experiments in female rats.

Formal identification and sufficiency of evidence for tetraconazole: In 2000, the U.S. EPA published a report on *tetraconazole*, entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Tetraconazole* that concludes that the chemical causes cancer (U.S. EPA, 2000). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the U.S. EPA's discussion of data and conclusions in the report that *tetraconazole* causes cancer. The U.S. EPA report concludes *tetraconazole* is " 'likely to be carcinogenic to humans' by the oral route." Evidence described in the report includes studies showing that *tetraconazole* causes increases in the incidences of hepatocellular carcinomas and combined hepatocellular carcinomas and adenomas in male and female mice.

Thus, the U.S. EPA (2000) has found that *tetraconazole* causes increased incidences of malignant and combined malignant and benign liver tumors in male and female mice.

Request for comments: OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA wants to ensure that its regulatory decisions are based on a thorough consideration of all relevant information. OEHHA is requesting comments as to whether these chemicals meet the criteria set forth in

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

³ All referenced sections are from Title 27 of the Cal. Code of Regulations.

the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Tuesday, January 17, 2012.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental
Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, CA 95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street
Sacramento, CA 95814

If you have any questions, please contact Ms. Oshita at cynthia.oshita@oehha.ca.gov or at (916) 445-6900.

References

U.S. Environmental Protection Agency (U.S. EPA, 1999). Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Kresoxim-methyl. Final Report. Health Effects Division, Office of Pesticide Programs. August 19, 1999.

U.S. Environmental Protection Agency (U.S. EPA, 2000). Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Tetraconazole. Final Report. Health Effects Division, Office of Pesticide Programs. January 11, 2000.

DECISION NOT TO PROCEED

STATE BOARD OF EDUCATION

Title 5. EDUCATION

NOTICE OF DECISION NOT TO PROCEED

California English Language Development Test
(CELDT)

Pursuant to Government Code section 11347, the State Board of Education (SBE) has decided not to proceed with title 5, division 1, chapter 11, subchapter 7.5, sections 11510, 11511, 11511.5, 11511.6, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11516.6, 11516.7, 11517, and 11517.5 (Notice File No.

Z2011-0719-02), published July 29, 2011, in the California Regulatory Notice Register 2011, No. 30-Z, page 1189), and withdraws this proposed action from further consideration.

The SBE will also publish this Notice of Decision Not to Proceed on the California Department of Education's Web site at <http://www.cde.ca.gov/re/lr/rr>.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Department of Health Care Services hereby gives notice that it is not proceeding with regulation proposal DHCS-08-015, Reimbursement Rates for Emergency and Post-Stabilization Services in Non-Plan Hospitals (Notice File No. Z-2011-0118-05) as published in the California Regulatory Notice Register on February 11, 2011.

Any interested person with questions concerning this rulemaking should contact Cindy Macklin of the Medi-Cal Managed Care Division at either 916-449-5039 or by e-mail at: cindy.macklin@dhcs.ca.gov.

RULEMAKING PETITION DECISION

DEPARTMENT OF PUBLIC HEALTH

November 7, 2011

Jay Hansen
California Medical Association
1201 J Street, Suite 200
Sacramento, CA 95814-2906

Mr. Hansen:

Thank you for your letter of September 6, 2011, in which you petition the Department of Public Health (Department) pursuant to Government Code, section 11340.6, to amend regulations in Title 22 of the California Code of Regulations, relating to the operation of hospitals, skilled nursing facilities, intermediate care facilities, primary care clinics, and correctional treatment centers. The proposal would: (1) extend the time by when a physician's verbal orders must be countersigned or authenticated from 48 hours¹ to 14 days when a read-back and verify process is used, and (2) would

¹ Five days for skilled nursing facilities, and 10 days for primary care clinics.

allow verbal orders to be countersigned or authenticated by the prescriber or the attending physician responsible for the patient's care.

The Department has given consideration to your petition in accordance with Government Code, section 11340.7, and has determined that it must deny your request for the reasons described below.

Under your proposal, California Code of Regulations, Title 22, sections 70263, 71233, 72361, 73353, 75034 and 79655 would be amended as follows:

The prescriber (Section 70263 adds "or furnisher") or the attending physician responsible for the patient's care at the time the order is issued who has the authority to issue a verbal order in accordance with hospital and medical staff (Sections 72361, 73353, 75034 and 79655, replace "hospital and medical staff" with "facility") policies shall countersign the order or authenticate the order electronically within 48 hours after the time the verbal order was made unless a read-back and verify process is followed. If a read-back and verify process is followed, the order may be countersigned or authenticated within 14 days after the verbal order is given.

The use of verbal orders in the delivery of healthcare is generally regarded as an error-prone process. Authentication of a verbal order is an opportunity to identify a transcription error and minimize risk to patient safety, with the goal of intercepting an error as soon as possible. Prompt authentication of a verbal order enables early identification and correction of an error.

Early identification and correction of an error enables the practitioners to minimize or eliminate the risk to patient safety posed by incomplete or incorrectly transcribed verbal orders. Verbal orders can be given for a variety of patient interventions, including medications, that direct staff to provide both onetime and ongoing patient care and treatments. If a verbal order for a onetime medication is not documented completely and accurately, patient harm can occur. Authentication of this onetime verbal order can identify the error and ensure that appropriate patient follow up occurs as soon as possible. Even though a verbal order may be authenticated after the order has already been implemented, prompt authentication is important. If a verbal order for an ongoing medication is not documented completely and accurately, an ongoing medication error could occur and compromise the patient's safety and well being. Authentication of this verbal order could avert ongoing medication errors. In addition to identifying and correcting the error, any necessary patient follow up as a result of the error can be implemented as soon as possible. Therefore, the Department believes that the authentication of verbal orders within 48 hours at hospitals pro-

motes patient safety and quality of care, and that extending the time period to 14 days as proposed by the California Medical Association (CMA) would be substantially less effective in terms of catching medical errors.

The petition proffers that a standard 14-day period for authentication of all verbal orders would create a consistent standard regardless of facility type. The Department believes that is reasonable to have a shorter time period for authentication at acute care hospitals which treat seriously ill patients than at outpatient primary care clinics. Thus, the current regulations for authentication appropriately distinguish between the types of health facilities based on the medical profile of patients they typically treat.

The Department agrees with the CMA that the read-back and verify process for verbal orders is an effective procedure to reduce potential errors due to misunderstandings of a verbal order. Title 22 California Code of Regulations, section 70213, subdivision (b) requires acute care hospital policies and procedures for nursing services to be based on current standards of nursing practice, which include procedures for verification of verbal orders. Therefore, the practice of read-back verification for every verbal order should be implemented as the standard of practice in hospitals and other facilities, regardless of the time period for authentication.

The Department has given consideration to the issues of allowing the attending physician to authenticate a verbal order of another physician and allowing the attending physician to authenticate electronically a verbal order of another physician. The petition would allow for the attending physician to authenticate an order for any other physician, whether or not there was more than a casual relationship to the patient or the other physician. It is the Department's opinion that this practice would not be in the best interest of the patient because the Department believes that in order for a physician to authenticate an order of another physician, the physician authenticating the order must have more than a casual relationship with the patient. The physician authenticating a verbal order should have responsibility for the patient's care in order to reduce the risk of medication error and fragmentation of care.

The Department does not believe that the 48-hour timeframe is unnecessarily burdensome for most hospitals. The Department considers electronic authentication of orders, within proper security procedures and controls, to be an acceptable practice. The Department is in the process of reviewing and updating Title 22 regulations for each facility type and will incorporate the electronic verification of verbal orders within 48 hours in the regulations. Until such time as the Department is able to update regulations for each facility type to allow

electronic verification of verbal orders, facilities may request a program flexibility in order to use electronic means (such as facsimile, electronic records, etc.) to authenticate verbal orders within 48 hours.

The Department is aware that the Center for Medicare & Medicaid Services (CMS) recently proposed amendments to 42 CFR § 482.24 that would eliminate requirement for authentication of verbal orders within 48 hours in the absence of State law, and make permanent the current temporary requirement that all orders be dated, timed and authenticated by the ordering practitioner or the responsible attending practitioner. While the CMS is proposing these changes, it should be noted that the CMS also encourages hospitals to keep the use of verbal orders to a minimum and establish policies that discourage their use due to the risk of error. The Department agrees that the use of verbal orders should be minimized and that “read back and verify” requirements should be in place. The Department again stresses that prompt authentication of a verbal order enables early identification and correction of an error to minimize any potential harm to a patient.

You should be aware that pursuant to Government Code, section 11340.7, subdivision (c), you or any other interested person may request reconsideration of any part or all of the Department’s decision regarding this petition no later than 60 days after the date of this letter. A copy of this letter will be sent to the Office of Administrative Law for publication in the California Regulatory Notice Register, pursuant to Government Code, section 11340.7(d). It is the right of interested persons to obtain a copy of the petition and the decision regarding the petition from the Department.

If you have any questions about, or wish to discuss, the disposition of this petition, please contact Goldie Eng at (916) 440-7758.

Sincerely,

/s/
Kathleen M. Keeshen
Deputy Director and Chief Counsel
Office of Legal Services

cc: Yvonne Choong, Associate Director
Center for Medical and Regulatory Policy
California Medical Association

Alicia F. Wagnon, Esq., Legal Counsel
California Medical Association

Pam Dickfoss, Acting Deputy Director
Center for Healthcare Quality
Department of Public Health

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code Section 11340.5
and Title 1, section 270, of the
California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

Date: November 17, 2011

To: Andres Medina

From: Chapter Two Compliance Unit

Subject: **2011 OAL DETERMINATION NO. 24(S)**
(CTU2011-1017-01)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5; Cal. Code Regs.,
tit. 1, sec. 270(f))

Petition challenging as an underground regulation Kern Valley State Prison’s Addendum to Department Operations Manual Supplement 54020, concerning visiting procedures

On October 17, 2011, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Kern Valley State Prison’s Addendum to Department Operations Manual Supplement 54020, concerning visiting procedures, constitutes an underground regulation. The rule is in a memorandum dated August 19, 2011, issued by the warden at Kern Valley State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Kern Valley State Prison and applies solely to the inmates of Kern Valley State Prison. Inmates housed at other institutions are governed by those other institutions’ procedures for visitations. Therefore, the rule is a “local rule” and is exempt from compliance with the

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez
Assistant Chief Counsel/
Acting Director

/s/

Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
Tim Lockwood

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-1013-06

Air Resources Board

Heavy-Duty In-Use Compliance Regulation 2011

The Air Resources Board amended the “California Exhaust Emission Standards and Test Procedures for

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” incorporated by reference in section 1956.8 of title 13 of the California Code of Regulations to modify the measurement allowance for regulated particulate matter emissions during heavy-duty diesel in-use testing when using portable emissions measurement systems and to make other changes.

Title 13
California Code of Regulations
AMEND: 1956.8
Filed 11/22/2011
Effective 12/22/2011
Agency Contact: Amy Whiting (916) 322-6533

File# 2011-1005-01
BOARD OF BARBERING AND COSMETOLOGY
School Curriculums

This action revises and restructures curriculums for barbering, nail care, and electrology.

Title 16
California Code of Regulations
AMEND: 950.1, 950.4, 950.5
REPEAL: 962.3, 962.4, 962.5, 962.6
Filed 11/16/2011
Effective 12/16/2011
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2011-1019-01
BOARD OF EDUCATION
Charter Revocation and Revocation Appeals

In this regulatory action, the State Board of Education adopts and amends regulations pertaining to “Charter Revocation and Revocation Appeals.” Most of these regulations implement Education Code section 47607 by setting forth the procedural requirements for a chartering authority to revoke a charter school’s charter and the appeal rights that would then be applicable for revocation-related appeals to a county board of education and/or to the State Board of Education. One of the regulations implements Education Code section 47604.5 by setting forth procedural requirements applicable to a potential State Superintendent of Public Instruction recommendation to the State Board of Education pertaining to specified alleged charter school violations.

Title 5
California Code of Regulations
ADOPT: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5
AMEND: 11960, 11965, 11969 (renumbered 11968.1), 11969.1
Filed 11/16/2011
Effective 12/16/2011
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2011-1011-01
CALIFORNIA HIGHWAY PATROL
Safety Compliance Ratings

This rulemaking action by the California Highway Patrol (CHP) defines the terms “imminent danger” and “consistent failure,” as used in various sections of the Vehicle Code, and details the criteria used by CHP to determine their applicability.

Title 13
California Code of Regulations
AMEND: 1233
Filed 11/17/2011
Effective 12/17/2011
Agency Contact: David Huizar (916) 843-3400

File# 2011-1013-02
CONTRACTORS STATE LICENSE BOARD
Blanket Performance and Payment Bond

This action specifies the requirements applicable to a contractor seeking approval of the Registrar for a blanket performance and payment bond to assure satisfaction of all claims that may arise in connection with the contractor’s performance under a home improvement contract.

Title 16
California Code of Regulations
ADOPT: 858, 858.1, 858.2, 858.3, 858.4, 858.5, 858.6, 858.7, 858.8, 858.9
Filed 11/22/2011
Effective 12/22/2011
Agency Contact: Betsy Figueria (916) 255-3369

File# 2011-1013-03
DEPARTMENT OF CORPORATIONS
Finance Lenders Pilot Program (SB 1146 (Chap. 640, Stats. 2010))

This regulatory action implements SB 1146 (Ch. 640 of 2010) which adds the Pilot Program for Affordable Credit-Building Opportunities Program. These regulations specify program participation requirements and criteria for lenders. It includes the application and reporting forms for this program.

Title 10
California Code of Regulations
ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
Filed 11/21/2011
Effective 12/21/2011
Agency Contact: Karen Fong (916) 322-3553

File# 2011-1013-01

DEPARTMENT OF PUBLIC HEALTH

Access to the Records in the Office of the State Registrar and in the Offices of Local Registrars

This change without regulatory effect repeals section 901 of Title 17 of the California Code of Regulations, because statutes enacted and amended after section 901 was adopted and last amended contain more specific and conflicting additional provisions which render section 901 obsolete.

Title 17

California Code of Regulations

REPEAL: 901

Filed 11/17/2011

Agency Contact: Laurel Prior (916) 440-7673

File# 2011-1013-04

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

U.S. EPA Information Update

This Section 100 Change Without Regulatory Effect updates the current address for DTSC's LA area regional office. Additionally this Section 100 Change Without Regulatory Effect amends Title 22 section 66260.11 of the California Code of Regulations to add references to particular test methods that are used for determining which materials are hazardous waste. This change is necessary to be consistent with the United States Environmental Protection Agency and is deemed a section 100 change pursuant to Health and Safety Code section 25159.1(a). This Section 100 also makes several other changes to correct typos and addresses that have changed in various sections within Title 22 of the California Code of Regulations.

Title 22

California Code of Regulations

AMEND: 66260.11, 66260.12, 66262.53, 66262.56, 66263.32, 66264.12, 66264.71, 66264.72, 66265.12, 66265.71, 66265.72

Filed 11/21/2011

Agency Contact: Lorna Kirby (916) 324-2431

File# 2011-1007-03

FISH AND GAME COMMISSION

Commercial Herring Fishery

This rulemaking action amends the herring take quota for the 2011-2012 season for San Francisco Bay as well as the take quota for herring eggs on kelp for San Francisco Bay. The rulemaking doubles the daily herring fresh-fish market deliveries for San Francisco and Tomales Bays for November through March. The rulemaking also establishes the herring fishery season dates for northern California allowing for the 2012 leap year.

Title 14

California Code of Regulations

AMEND: 163, 164

Filed 11/17/2011

Effective 12/17/2011

Agency Contact: Sheri Tiemann (916) 654-9872

File# 2011-1115-02

OFFICE OF SPILL PREVENTION AND RESPONSE
Nontank Vessel Fee

This emergency regulatory action increases the fee for each new or renewal nontank vessel application to obtain a certificate of financial responsibility and amends the application form Certificate of Financial Responsibility for Operators or Owners of Nontank Vessels (FG OSPR Form 1972) to reflect the new fee increase. The amount of the fee depends on the barrel carrying capacity of the nontank vessel.

Title 14

California Code of Regulations

AMEND: 791.7, 870.17

Filed 11/22/2011

Effective 01/01/2012

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

File# 2011-1013-05

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Amendment to Section 559 Disclosure of Placement Agent Fees

This Section 100 Change Without Regulatory Effect updates Title 2, section 559 of the California Code of Regulations to reflect statutory changes that resulted in a changed definition for "placement agent" and "external manager."

Title 2

California Code of Regulations

AMEND: 559

Filed 11/22/2011

Agency Contact: James Croft (916) 795-9528

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 29, 2011 TO
November 23, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/22/11 AMEND: 559
 11/08/11 ADOPT: 18421.31
 10/27/11 AMEND: 18404.1
 10/26/11 ADOPT: 18237
 10/18/11 AMEND: 1859.166.2
 10/17/11 AMEND: 25001
 10/12/11 AMEND: 59690
 10/05/11 ADOPT: 649.21
 09/27/11 ADOPT: 599.506(f) AMEND: 599.502(f)
 09/21/11 AMEND: 1859.90.2
 09/08/11 AMEND: 1859.2, 1859.82
 09/07/11 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066
 09/06/11 AMEND: 29000
 09/01/11 ADOPT: 58600 REPEAL: 58600
 09/01/11 AMEND: 54200
 09/01/11 AMEND: 54600
 08/08/11 ADOPT: 59700
 07/27/11 AMEND: 1859.90.2, 1859.81
 07/15/11 AMEND: 1151, 1153, 1155.500, 1165, 1170, 1172.20
 07/11/11 ADOPT: 21903.5 AMEND: 21903
 07/11/11 ADOPT: 570.5 AMEND: 571(b)
 07/06/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
 07/06/11 AMEND: 18360
 07/05/11 AMEND: 649.3, 649.18, 649.20, 649.24
 06/30/11 AMEND: 633.9

Title 3

11/14/11 AMEND: 3437(b)
 11/10/11 AMEND: 6000, 6361, 6400, 6460, 6464, 6470, 6502, 6512, 6524, 6560, 6562, 6564, 6625, 6626, 6625, 6632, 6728, 6761, 6780
 11/10/11 AMEND: 3589(a)
 10/26/11 AMEND: 1430.142
 10/19/11 AMEND: 3423(b)
 10/12/11 AMEND: 3906

10/10/11 ADOPT: 3591.25
 10/10/11 AMEND: 3423(b)
 09/29/11 AMEND: 3434(b)(8)
 09/28/11 AMEND: 3425(b)
 09/19/11 AMEND: 3423(b)
 09/15/11 AMEND: 3591.2(a)
 09/07/11 AMEND: 3591.2(a)
 08/23/11 ADOPT: 6131 AMEND: 6128, 6130
 08/23/11 ADOPT: 1392.4.1 AMEND: 1392, 1392.1, 1392.2, 1392.4, 1392.6, 1392.8.1, 1392.9, 1392.11
 08/03/11 AMEND: 3437(b)
 07/28/11 REPEAL: 1400.9.1
 07/15/11 AMEND: 3434(b)
 07/15/11 AMEND: 3589
 07/15/11 REPEAL: 3286
 07/08/11 AMEND: 3658
 07/05/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407

Title 4

11/07/11 AMEND: 8070, 8072, 8073, 8074
 11/03/11 AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162 REPEAL: 10156, 10158, 10164
 10/04/11 AMEND: 1658
 09/30/11 AMEND: 12100, 12101, 12200.3, 12200.5, 12200.6, 12200.9, 12200.10B, 12200.14, 12202, 12205.1, 12218, 12218.7, 12218.8, 12220.3, 12220.5, 12220.6, 12220.14, 12222, 12225.1, 12233, 12235, 12238, 12300, 12301.1, 12309, 12350, 12354, 12358, 12359, 12362, 12400, 12404, 12463, 12464
 09/28/11 ADOPT: 8035.5
 09/20/11 AMEND: 12590
 09/07/11 ADOPT: 1500.1 AMEND: 1498
 08/16/11 ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074
 08/10/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037
 07/27/11 AMEND: 5064
 07/21/11 ADOPT: 1844.1
 07/20/11 AMEND: 4800, 4801, 4802
 07/20/11 AMEND: 150
 07/12/11 AMEND: 1606, 1974, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1
 07/01/11 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105,

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5212, 5220, 5221, 5230, 5231, 5232,
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Title 5

11/16/11 ADOPT: 11968.5.1, 11968.5.2,
11968.5.3, 11968.5.4, 11968.5.5
AMEND: 11960, 11965, 11969
(renumbered 11968.1), 11969.1
10/27/11 ADOPT: 4800, 4800.1, 4800.3, 4800.5,
4801, 4802, 4802.05, 4802.1, 4802.2,
4803, 4804, 4805, 4806, 4807, 4808
10/24/11 ADOPT: 11966.4, 11966.5, 11966.6,
11966.7 AMEND: 11967, 11967.5.1
10/18/11 ADOPT: 10120.1, 10121
09/22/11 ADOPT: 80069.2 AMEND: 80070
09/19/11 ADOPT: 30001.5
09/19/11 ADOPT: 74112, 75020, 75030, 75040,
75050, 75150, 75200, 75210 AMEND:
74110
08/15/11 ADOPT: 19817.2, 19817.5, 19840,
19846.1 AMEND: 19815, 19816,
19816.1, 19817.1, 19846
08/15/11 ADOPT: 40050.2
08/15/11 ADOPT: 40050.3
08/15/11 AMEND: 40100.1
08/15/11 AMEND: 40404
08/15/11 AMEND: 40405.1
08/15/11 ADOPT: 40509
08/15/11 ADOPT: 40513
08/15/11 ADOPT: 40514
08/15/11 ADOPT: 40515
08/15/11 ADOPT: 40516
08/15/11 ADOPT: 41021
08/15/11 ADOPT: 41022
08/04/11 ADOPT: 1039.1

08/04/11 AMEND: 80047, 80047.1, 80047.2,
80047.3, 80047.4, 80047.5, 80047.6,
80047.7, 80047.8, 80047.9, 80048.6

Title 7

08/16/11 AMEND: 218

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11/07/11 AMEND: 6051
10/27/11 ADOPT: 2320.10, 2940.10 AMEND:
1512, 3400
10/17/11 AMEND: 230.1(a)
10/17/11 ADOPT: 207.1 AMEND: 201, 202, 203,
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09/19/11 AMEND: 15201, 15214, 15251, 15300,
15400.2, 15405, 15430.1, 15478, 15481,
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09/06/11 AMEND: 8608
08/29/11 AMEND: 1504, 3207
08/10/11 ADOPT: 3302 AMEND: 3308
08/05/11 ADOPT: 1603.1 AMEND: 1504, 1600,
1602, 1603
08/01/11 AMEND: 16423 REPEAL: 16450,
16451, 16452, 16453, 16454, 16455,
16460, 16461, 16462, 16463, 16464
07/28/11 ADOPT: 6799.1 AMEND: 6755
07/07/11 ADOPT: 1610 (section heading), 1610.1,
1610.2, 1610.3, 1610.4, 1610.5, 1610.6,
1610.7, 1610.8, 1610.9, 1611 (section
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1611.5, 1612 (section heading), 1612.1,
1612.2, 1612.3, 1612.4, 1613 (section
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1613.4, 1613.5, 1613.6, 1613.7, 1613.8,
1613.9, 1613.10, 1614, 1615 (section
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1616.4, 1616.5, 1616.6, 1616.7, 1617
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1617.3, 1618 (section heading), 1618.1,
1618.2, 1618.3, 1618.4, 1619 (section
heading), 1619.1, 1619.2, 1619.3,
1619.4, 1619.5
AMEND: 1694, 2940.7, 6060

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10/04/11 ADOPT: 7016.1, 7019.6, 7025.7, 7028.7,
7179.7 AMEND: 7098, 7179.1, 7181.1
08/08/11 ADOPT: 4500, 4510, 4520

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11/21/11 ADOPT: 1580, 1581, 1582, 1583, 1584,
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1591, 1592, 1593, 1594, 1595, 1596
10/20/11 AMEND: 2222.12

09/26/11 ADOPT: 2785
 09/26/11 ADOPT: 2830
 09/26/11 ADOPT: 2725.5, 2960, 2961, 2962, 2963
 AMEND: 2930
 09/22/11 AMEND: 2318.6, 2353.1
 09/22/11 AMEND: 2318.6, 2353.1, 2354
 08/11/11 AMEND: 2731
 08/01/11 AMEND: 3012.3
 07/27/11 AMEND: 2770.1, 2847.3
 07/25/11 AMEND: 2222.12
 07/13/11 AMEND: 210, 221
 07/08/11 AMEND: 2699.6707
 07/07/11 AMEND: 260.204.9
 06/30/11 AMEND: 2699.6700, 2699.6709,
 2699.6721, 2699.6725

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11/14/11 AMEND: 1008
 11/01/11 AMEND: 1009
 10/25/11 AMEND: 1005, 1007, 1008
 10/07/11 ADOPT: 999.24, 999.25, 999.26, 999.27,
 999.28, 999.29 AMEND: 999.10,
 999.11, 999.14, 999.16, 999.17, 999.19,
 999.20, 999.21, 999.22
 10/06/11 AMEND: 30.14
 10/06/11 ADOPT: 30.16
 09/28/11 AMEND: 1081
 09/28/11 AMEND: 1005
 09/02/11 ADOPT: 101.2
 09/02/11 AMEND: 101.1

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11/22/11 AMEND: 1956.8
 11/17/11 AMEND: 1233
 11/09/11 AMEND: 2027
 11/08/11 AMEND: 1
 10/07/11 ADOPT: 345.03, 345.75, 345.76, 345.77
 09/15/11 AMEND: 2190
 08/23/11 ADOPT: 345.00 AMEND: 345.02,
 345.04, 345.15, 345.18, 345.20, 345.22,
 345.23, 345.26
 08/16/11 AMEND: 1800
 07/06/11 ADOPT: 1231.2 AMEND: 1200, 1201,
 1217, 1221, 1222, 1232
 07/01/11 AMEND: 156.00, 156.01

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10/27/11 AMEND: 2299.2, 93118.2

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11/22/11 AMEND: 791.7, 870.17
 11/17/11 AMEND: 163, 164
 11/15/11 AMEND: 700.4, 701, 705 REPEAL: 704
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15
 REPEAL: 939.15
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15
 REPEAL: 939.15
 10/04/11 AMEND: 29.15

09/28/11 AMEND: 11900
 09/22/11 AMEND: 565, 565.4, 566, 566.1, 569,
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 09/22/11 AMEND: 7.50(b)(1.5), 27.65, 29.80
 09/16/11 AMEND: 11900, 11970
 09/08/11 AMEND: 300, 311
 08/30/11 ADOPT: 3550.16
 08/29/11 AMEND: 502
 08/08/11 ADOPT: 1052.5 AMEND: 895, 916.9,
 936.6, 956.9, 1052, 1052.1, 1052.2
 08/03/11 ADOPT: 1051.3, 1051.4, 1051.5, 1051.6,
 1051.7 AMEND: 895
 07/22/11 AMEND: 852.60.2, 852.60.3, 852.60.4,
 852.61.1, 852.61.2, 852.61.3, 852.61.5,
 852.61.6, 852.61.7, 852.61.8, 852.61.9,
 852.61.10, 852.61.11, 852.61.12,
 852.62.1, 852.62.2, 852.62.3
 07/14/11 AMEND: 791, 791.7, 792, 793, 794, 795,
 796 REPEAL: 791.5
 07/12/11 ADOPT: 749.6
 07/08/11 ADOPT: 708.1, 708.2, 708.3, 708.4,
 708.5, 708.6, 708.7, 708.8, 708.9,
 708.10, 708.11, 708.12, 708.13, 708.14,
 708.15, 708.16, 708.17 AMEND: 360,
 361, 362, 363, 364, 365, 366, 353, 354,
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11/14/11 AMEND: 3341.5, 3375.2, 3377.1
 11/10/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4,
 3359.5, 3359.6 AMEND: 3000
 10/25/11 ADOPT: 2240
 10/06/11 REPEAL: 3999.7
 09/27/11 ADOPT: 3078, 3078.1, 3078.2, 3078.3,
 3078.4, 3078.5, 3078.6 AMEND: 3000,
 3043, 3075.2, 3097, 3195, 3320, 3323
 08/16/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3,
 3769.4, 3769.5, 3769.6
 08/03/11 AMEND: 3000
 07/28/11 ADOPT: 3084.8, 3084.9, 3086 AMEND:
 3000, 3084, 3084.1, 3084.2, 3084.3,
 3084.4, 3084.5, 3084.6, 3084.7, 3137,
 3173.1, 3179, 3193, 3220.4, 3482, 3630,
 3723 REPEAL: 3085
 07/19/11 AMEND: 3090, 3176.4, 3315, 3323
 07/07/11 ADOPT: 3076.4, 3076.5 AMEND: 3076,
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11/22/11 ADOPT: 858, 858.1, 858.2, 858.3, 858.4,
 858.5, 858.6, 858.7, 858.8, 858.9
 11/16/11 AMEND: 950.1, 950.4, 950.5 REPEAL:
 962.3, 962.4, 962.5, 962.6
 11/01/11 ADOPT: 3392.2.1, 3392.3.1, 3392.4,
 3392.5.1, 3392.6.1 AMEND: 3340.1,

	3340.16, 3340.16.5, 3340.41, 3392.1, 3392.2, 3392.3, 3392.5, 3392.6	09/08/11	AMEND: 60201
10/25/11	REPEAL: 929	08/29/11	ADOPT: 58883, 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543
10/17/11	AMEND: 2300, 2302, 2303, 2304, 2311, 2315, 2320, 2321, 2322, 2324, 2326, 2326.1, 2327, 2328, 2328.1, 2329, 2330, 2331, 2332, 2336, 2337, 2338, 2339, 2340, 2351, 2370, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388	06/30/11	AMEND: 2500, 2502, 2505
10/12/11	ADOPT: 1070.6, 1070.7, 1070.8 AMEND: 1070, 1070.1, 1070.2, 1071 REPEAL: 1071.1	06/30/11	AMEND: 6020, 6035, 6051, 6065, 6070, 6075
10/10/11	AMEND: 2450, 2451	Title 18	
10/06/11	ADOPT: 1399.507.5, 1399.523.5, 1399.527.5 AMEND: 1399.503, 1399.523	10/10/11	AMEND: 3020, 3301, 4500, 4504, 4507, 4508, 4509, 4600, 4609, 4700
10/04/11	AMEND: 972	09/26/11	AMEND: 19591
09/29/11	AMEND: 1398.26.1	09/26/11	AMEND: 1533.2, 1598
09/27/11	ADOPT: 3394.40, 3394.41, 3394.42, 3394.43, 3394.44, 3394.45, 3394.46	09/22/11	ADOPT: 25128.5
09/22/11	AMEND: 1202, 1203, 1204, 1205, 1208, 1208.1, 1210, 1211, 1213, 1214, 1221, 1223, 1223.1, 1225, 1229, 1230, 1234, 1240, 1241, 1243, 1244, 1245, 1246, 1253, 1253.5, 1253.6, 1254, 1256, 1258.3, 1267, 1268, 1269, 1271 REPEAL: 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291	08/16/11	ADOPT: 1685.5
09/22/11	AMEND: 109, 121	07/20/11	AMEND: 25106.5-11
09/19/11	AMEND: 1715, 1735.2, 1751, 1784	07/08/11	ADOPT: 2558.1
09/13/11	AMEND: 3830	Title 19	
09/07/11	ADOPT: 319.1	06/30/11	AMEND: 1160.10
09/01/11	AMEND: 1793.5	Title 22	
08/31/11	AMEND: 2411, 2414	11/21/11	AMEND: 66260.11, 66260.12, 66262.53, 66262.56, 66263.32, 66264.12, 66264.71, 66264.72, 66265.12, 66265.71, 66265.72
08/24/11	AMEND: 1399.157, 1399.160.3, 1399.160.6	09/29/11	AMEND: 72516, 73518
08/18/11	ADOPT: 1315.50, 1315.53, 1315.55	09/22/11	ADOPT: 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7 AMEND: 64418, 64418.1, 64418.2, 64418.7
08/18/11	AMEND: 995	09/16/11	ADOPT: 2706-8 AMEND: 2706-1, 2706-2
08/17/11	AMEND: 974	09/13/11	AMEND: 50605
08/03/11	AMEND: 999	08/23/11	AMEND: 97212, 97213, 97228, 97229, 97232, 97240, 97241, 97246, 97248
08/01/11	AMEND: 1327	07/21/11	AMEND: 50035.5, 50145, 50179.5, 50183, 53845 REPEAL: 50245
07/21/11	AMEND: 1005	07/19/11	ADOPT: 64430
07/20/11	ADOPT: 4145 AMEND: 4141	06/29/11	AMEND: 51008.5
07/12/11	ADOPT: 1399.547	Title 22/MPP	
07/01/11	AMEND: 2070, 2071	11/10/11	AMEND: 35000, 35001, 35325, 35326, 35329, 35331, 35333, 35334, 35337, 35339, 35341, 35343, 35344, 35345, 35351, 35352, 35352.1, 35352.2, 45-801, 45-802, 45-803, 45-804, 45-805, 45-806, 45-807 REPEAL: 35327, 35347, 35352.3
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11/17/11	REPEAL: 901	Title 23	
11/10/11	AMEND: 94508, 94509, 94510, 94512, 94515	11/03/11	ADOPT: 3949.8
09/27/11	AMEND: 2505	11/01/11	AMEND: 3937
09/23/11	AMEND: 6540	10/20/11	AMEND: 1062, 1064, 1066
09/21/11	AMEND: 56034	10/19/11	ADOPT: 2200.7 AMEND: 2200, 2200.6
09/19/11	AMEND: 54342, 57332	09/15/11	ADOPT: 3945.2
		09/08/11	ADOPT: 3929.7
		07/27/11	AMEND: 3939.19

07/14/11	ADOPT: 3919.10	4384, 4385, 4407, 4409, 4420, 4421,
07/08/11	ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5	4422, 4423, 4424, 4425, 4426, 4428, 4429, 4430, 4431, 4434, 4435, 4436, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4450, 4451, 4452, 4453, 4455, 4456, 4457, 4458, 4459, 4460, 4461, 4463, 4464, 4465, 4468, 4469, 4470, 4471, 4474, 4475, 4475.2, 4475.5, 4475.7, 4476, 4476.5, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4492, 4493, 4494, 4496, 4497, 4498, 4498.5, 4500, 4501.7, 4505, 4506, 4517.7, 4535, 4536
07/05/11	ADOPT: 597, 597.1, 597.2, 597.3, 597.4	
Title 25		
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		Title 27
		10/12/11 AMEND: 25703(a)(6)
		09/26/11 AMEND: 25805
		09/08/11 AMEND: 27000
		06/29/11 AMEND: 25805
		Title MPP
		10/31/11 AMEND: 31–502.42
		10/24/11 AMEND: 44–111.61
		07/28/11 AMEND: 63–402.226